

HIDALGO COUNTY, TEXAS PERSONNEL POLICY MANUAL

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Background Screening Policy

1. POLICY STATEMENT

It is the intent of Hidalgo County (the “county”) to provide all applicants with an equal opportunity for employment, while providing a safe and secure environment to its constituents, employees, and assets. To support well-informed employment decisions, a background screening will be conducted on all applicants who receive a conditional offer of employment or volunteering opportunity to a position designated as safety-sensitive, a position whose duties include interaction with minors, a position whose duties involve inspections or entry into private residences, or a position whose duties involve the handling of currency, or positions in, but not limited to, the following Departments:

- Facilities Management
- Health and Human Services
- WIC Program
- Juvenile Department
- Community Service Agency
- Elections Department

County Elected Officials or Department Heads may conduct their own background checks in accordance with applicable law.

2. PURPOSE

The purpose of this policy is to establish guidelines for conducting background screenings on prospective county employees, interns and volunteers prior to commencement of employment or volunteer services in accordance with Section 1 of this policy. These guidelines are consistent with the requirements of law and prudent practice. This policy is not intended to limit any other background screening which may be required by a specific county office or department.

3. DEFINITIONS

- A. **Applicant** – an individual who applies for employment, including part-time and temporary positions, volunteering opportunities, or internships at Hidalgo County, whether the person is an external applicant or a current county employee.
- B. **Background Screening** - the process the county uses to confirm someone's criminal record and other activities from their past.
- C. **Conditional Offer of Employment** - a written employment or volunteering opportunity offer stating that the offer is contingent on the employee first meeting certain conditions/requirements before starting employment or volunteering service, including the satisfactory completion of a background screening.
- D. **Employment Decision** - a decision regarding an offer of employment to an applicant or a decision regarding an employment action against a current employee.
- E. **Prospective Employee** - an applicant who receives a conditional offer of employment.
- F. **Safety-Sensitive Position** - a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life threatening procedures, or work with controlled substances; a position in which drug impairment constitutes an immediate and direct threat to the Employee's health or safety; a position which has access to a juvenile facility; a position in which the Employee is responsible for the well-being of a minor; or a position in which a momentary lapse in attention could result in injury or death to another person.

4. GUIDELINES

- A. The county will conduct a background screening on prospective employees, interns and volunteers prior to commencement of employment or volunteer services, in accordance with Section 1 of this policy.
- B. Former county employees that apply to positions outlined in Section 1 of this policy are subject to background screening procedures in the same manner as other external applicants, regardless of the length of separation.
- C. County employees whose position is reclassified into one of the categories mentioned in Section 1 of this policy are subject to meeting the minimum qualifications of the new job classification, including the satisfactory completion of a background screening.
- D. Prospective employees must authorize the background screening through written consent within seven (7) calendar days of a notification being sent to their email. A prospective employee who fails/refuses to submit a written authorization will cease to be considered for such employment or volunteer opportunity.

- E. Falsifying application materials or failure to report pertinent data on a county application shall be just cause for non-selection of an applicant or dismissal of a county employee.
- F. Background screenings will be conducted in accordance with the Fair Credit Reporting Act (FCRA).
- G. The county may use any of the following background screening sources, as appropriate:
 - 1. A consumer reporting agency accredited by the Background Screening Agency Accreditation Program (BSAAP).
 - 2. The Texas Department of Public Safety Crime Records Service.
 - 3. Other reliable public state, national and international sites.
 - 4. The county may utilize outside sources to perform background screening.
- H. Background screening results will be received by the Department of Human Resources and/or other authorized user(s) and disclosed to the corresponding Department Head/Elected Official to be reviewed prior to making an employment decision. Applicants may not commence employment or volunteering services prior to verification of a satisfactory background screening.
- I. When making an employment decision, a finding that an applicant has a criminal history does not necessarily disqualify the applicant from employment, internship, or a volunteering opportunity. In the event that an applicant self-identifies a criminal history, or a criminal history is revealed through a background screening, the county will review the circumstances on a case-by-case basis to determine the suitability for employment. In making a decision, the county will consider:
 - 1. The nature and gravity of the offense or conduct.
 - 2. The time that has passed since the offense, conduct, or completion of the sentence.
 - 3. The nature of the job held or sought.
- J. Pre-Adverse Action Notice - If the county determines that employment may not be suitable based on the background screening information, the county will provide the applicant with:
 - 1. A notice of pre-adverse action of background screening results.
 - 2. A copy of the background screening results (to the extent allowed by law).
 - 3. A Summary of Your Rights under the Fair Credit Reporting Act notice.

The applicant will have five (5) business days of a pre-adverse action notice to dispute information in the background screening before a final employment decision is made. The county will consider any information received as a result of the pre-adverse action notice before making a final employment decision.

- K. Adverse Action Notice - If the county determines that employment is not suitable based on the background screening information, the county will provide the applicant with a final notice of adverse action. The notice will include:

1. A statement that the decision to take adverse action was based on information provided in the background screening report.
2. The name, address, and phone number of the agency that supplied the report.
3. A statement that the reporting agency did not make the decision to take the adverse action and cannot give specific reasons for it.
4. Information on the applicant's right to dispute the accuracy or completeness of the information provided by the reporting agency and their right to an additional free copy of the report if requested within 60 days of receipt of notice.

5. CONFIDENTIALITY

The county considers all information obtained through background screenings confidential and will only disclose it if authorized or required by law. All records of background screening results are maintained in accordance with applicable federal/state/local laws and regulations.

6. CLOSING STATEMENT

Hidalgo County believes that background screenings are an important part of the employment process and are conducted to promote a safe working environment. Background screening information obtained by the county shall be used only for the purpose of making well-informed employment decisions and shall in no way be used to discriminate on a basis prohibited by applicable law. Any questions or clarifications required pertaining to this policy should be directed to the Department of Human Resources.